

THE HONORABLE JOHN T. COPENHAVER, JR.  
THE HONORABLE MIKI J. THOMPSON

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

DON BLANKENSHIP,

Plaintiff,

v.

HONORABLE ANDREW NAPOLITANO  
(RET.), et al.,

Defendant.

No.: 2:19-cv-00236

DEFENDANT DSCC, LAUREN  
PASSALACQUA, BEN RAY, DAVID  
BERGSTEIN, COURTNEY RICE AND  
JUSTIN LAVOIE'S MOTION TO DISMISS  
WITH PREJUDICE

NOTE ON MOTION CALENDAR:  
Friday, September 6, 2019

COME NOW Defendants Democratic Senatorial Campaign Committee, Lauren Passalacqua, Ben Ray, David Bergstein, Courtney Rice, and Justin Lavoie, pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) and W. Va. Code § 55-2-12(c), for an order dismissing Plaintiff Don Blankenship's claims with prejudice for lack of personal jurisdiction, failure to bring the action within the statute of limitations period, and failure to state a claim upon which relief can be granted.

DEFENDANT DSCC, ET. AL.'S MOTION TO  
DISMISS (NO. 2:19-CV-00236) – 1

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In support of this Motion, Defendants adopt and incorporate herein each and every argument and contention set forth in the accompanying Brief in Support of Defendants' Motion to Dismiss and the exhibit and declaration attached hereto.

WHEREFORE for the reasons more fully explained in the accompanying Brief in Support of Defendants' Motion to Dismiss incorporated herein, Defendants request that the Court enter an Order granting the Motion and dismissing the case as to the moving Defendants with prejudice, together with such other and further relief as the Court deems necessary.

RESPECTFULLY SUBMITTED this 16th day of August, 2019.

s/ Anthony J. Majestro

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Courtney Rice, and Justin Lavoie

DEFENDANT DSCC, ET. AL.'S MOTION TO  
DISMISS (NO. 2:19-CV-00236) – 2

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

DON BLANKENSHIP,

Plaintiff,

v.

Civil Action No. 2:19-cv-00236  
Judge John T. Copenhaver, Jr.

HONORABLE ANDREW NAPOLITANO (RET.),  
et al.,

Defendants.

**CERTIFICATE OF SERVICE**

The undersigned certifies that on August 16, 2019, the foregoing **Motion to Dismiss** was electronically filed using the court's CM/ECF system and will be served via the Court's CM/ECF filing system, which will send notification of such filing to the attorneys of record at their e-mail addresses on file with the Court.

s/ Anthony J. Majestro  
Anthony J. Majestro (WVSB 5165)